

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY



Order Filed on July 17, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

In Re:  
Joseph Maguire  
  
Debtor(s).

Case No.: 17-34266


Chapter: 13

Judge: Andrew B. Altenburg, Jr.

**ORDER GRANTING MOTION AND PERMITTING DEBTOR  
TO ENTER INTO LOAN MODIFICATION AGREEMENT**

The relief set forth on the following page, numbered two, is hereby **ORDERED**.

**DATED: July 17, 2019**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

**THIS MATTER** having been opened to the Court upon motion requesting the entry of an Order approving a loan modification agreement between the Debtor(s) and Rushmore Loan Management Services (“Creditor”) Doc. No.   47   (the “Motion”) and no objections have been filed, and sufficient cause shown,

It is hereby **ORDERED** that:

1. The Motion is hereby granted and the Debtor is permitted to enter into the loan modification agreement with Creditor attached as an Exhibit to the Motion (the “Agreement”);
2. The Mortgage secured by real property owned by the Debtor as identified in the Agreement is hereby modified in accordance with the terms set forth in the Agreement.
3. The Chapter 13 Trustee shall suspend disbursements to Creditor pending completion of loan modification as set forth in the Agreement and all money that would otherwise be paid to Creditor, be held until the arrearage portion of the claim is amended to zero, or the claim is withdrawn, or the Trustee is notified by the Creditor that the modification was not consummated;
4. If post-petition arrears are capitalized into the loan modification, the Creditor shall file an amended post-petition claim within thirty (30) days of the date of this Order. Upon receipt of an amended post-petition claim, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with provisions of the confirmed plan;
5. The Creditor shall notify the Trustee and the Debtor’s attorney in the event the modification is not consummated. Any money that was held by the Trustee for the Creditor pursuant to a timely proof of claim pending completion of the modification shall then be paid to Creditor;
6. Debtor shall file an Amended Schedule J and Modified Plan within twenty (20) days of this Order;
7. Communication and/or negotiations between Debtor and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation.
8. The Debtors shall provide the Trustee with a fully executed copy of the Agreement upon completion.

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Joseph Maguire  
Debtor

Case No. 17-34266-ABA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jul 17, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 19, 2019.

db +Joseph Maguire, 34 Congress Road, Pine Hill, NJ 08021-6563

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 19, 2019

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 17, 2019 at the address(es) listed below:

Brian E Caine on behalf of Creditor First Guaranty Mortgage Corporation  
bcaine@parkermccay.com, BKcourtnotices@parkermccay.com  
Daniel A. Frischberg on behalf of Debtor Joseph Maguire dan@sjbankruptcylaw.com,  
frischbergglaw@gmail.com;frischbergdr39848@notify.bestcase.com  
Denise E. Carlon on behalf of Creditor First Guaranty Mortgage Corporation  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Joni L. Gray on behalf of Debtor Joseph Maguire joni@sjbankruptcylaw.com,  
jgrayecf@gmail.com;grayjr39848@notify.bestcase.com  
Rebecca Ann Solarz on behalf of Creditor First Guaranty Mortgage Corporation  
rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7